

The Hon. Lauren King

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,
Plaintiff,

v.

MIGUEL THOMAS,
Defendant,

and

DAN LE,
Third-Party Claimant.

NO. CR22-179-LK &
CR22-180-LK

**STIPULATION AND
~~PROPOSED~~ ORDER SETTLING
THIRD-PARTY CLAIM TO
FIREARM**

NOTE ON MOTION CALENDAR:
December 16, 2024

The United States and Third-Party Claimant Dan Le present the following Stipulation and proposed Order to settle Mr. Le's asserted interest in one Ruger SP101 .22 caliber revolver, bearing serial number 577-04336 (the "Subject Firearm") that was forfeited by Defendant Miguel Thomas in these cases.

I. BACKGROUND

On February 14, 2023, and July 19, 2023, the United States filed a Forfeiture Bill of Particulars in CR22-180LK and an Amended Forfeiture Bill of Particulars in CR22-179LK, providing notice that it would seek forfeiture, pursuant to 21 U.S.C. § 853, of the Subject Firearm. *See* CR22-180LK, Dkt. No. 128; CR22-179LK, Dkt. No. 54. On May 8,

2023, the Court granted a Protective Order, restraining the Subject Property, pending conclusion of the criminal forfeiture proceeding in CR22-180LK pursuant to 21 U.S.C. § 853. *See* CR22-180LK; Dkt. No. 155.

On December 6, 2023, Defendant Thomas pleaded guilty to *Conspiracy to Distribute Controlled Substances*, a lesser included offense of that charged in Count 1 under Indictment CR22-180LK, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(C), and 846, and *Carrying a Firearm During and in Relation to a Drug Trafficking Crime*, as charged in Count 3 under Indictment CR22-179LK, in violation of 18 U.S.C. § 924(c)(1)(A)(i). *See* CR22-180LK, Dkt Nos. 1, 200; CR22-179LK, Dkt. Nos. 1, 76. In his Plea Agreement, Defendant agreed to forfeit his interest in any property that facilitated or constituted proceeds of his commission of *Conspiracy to Distribute Controlled Substances* (lesser included offense of that charged in Count 1 under Indictment CR22-180LK) pursuant to 21 U.S.C. § 853, including the above-identified Subject Firearm. *See* CR22-180LK, Dkt. No. 200, ¶ 12; CR22-179, Dkt. No. 76 ¶ 12. Defendant also agreed to forfeit his interest in any firearms and ammunition that were involved in his commission of *Carrying a Firearm During and in Relation to a Drug Trafficking Crime* (Count 3 under indictment CR22-179LK), pursuant to 18 U.S.C. § 924(d), by way of 28 U.S.C. § 2461(c). *Id.*

On February 20, 2024, the Court issued Preliminary Orders of Forfeiture in CR22-179LK and CR22-180LK forfeiting Defendant's interest in various assets, including the Subject Firearm, to the United States. *See* CR22-180LK, Dkt. No. 233; CR22-179LK; Dkt. No. 92.

On March 22, 2024, the Court sentenced Defendant to a total of 96 months in custody, to be followed by three years of supervised release. *See* CR22-179LK, Dkt. No. 110; CR22-180LK, Dkt. No. 243. The Preliminary Orders of Forfeiture were made part of Defendant's sentence and incorporated into the Judgments. *Id.*

As required by 21 U.S.C. § 853(n)(1) and Rule 32.2(b)(6)(C) of the Federal Rules of Criminal Procedure, the United States published notice of the Preliminary Orders of Forfeiture and of its intent to dispose of the preliminarily forfeited property, including the Subject Firearm, in accordance with governing law. *See* CR22-179LK, Dkt. No. 111; CR22-180LK, Dkt. No. 244. That notice informed any third parties claiming an interest in the property that they were required to file a petition with the Court within 60 days of the date of the notice’s first publication on February 22, 2024. *Id.*

As required by Fed. R. Crim. P. 32.2(b)(6)(A), the United States sent notice and a copy of the Preliminary Order of Forfeiture to potential claimants of the preliminarily forfeited property, based on the underlying investigate material. *See* Declaration of Assistant United States Attorney Karyn S. Johnson in Support of Motion for Final Order of Forfeiture (“Johnson Decl.”), ¶ 2, Exhibits A – N (CR22-180LK, Dkt. No. 334; CR22-179LK; Dkt. No. 128). One of the potential claimants to whom the United States sent direct notice was Third-Party Claimant, Dan Le. *See* Johnson Decl., ¶ 2(b) and Exhibit B. *Id.* The United States sent Mr. Le notice because he was identified in firearms records as a purchaser of the Subject Firearm.

Thereafter, Mr. Le filed a claim to the Subject Firearm, in which he asserted he was the rightful owner of the Subject Firearm. *See* CR22-180LK, Dkt. No. 301; CR22-179LK, Dkt. No. 121 (the “Claim”). In his Claim, Mr. Le represented that the Subject Firearm had been stolen from him. *Id.* Thereafter, the United States sent direct notice to Mr. Le’s insurance company. *See* Johnson Decl., ¶ 2(b), Exhibit N. This notice was delivered on or about August 20, 2024. *Id.*

No other third-party claims were filed with respect to the Subject Firearm. The period for filing a claim to the Subject Firearm expired on or about April 22, 2024, for the published notice, and September 19, 2024, for direct notice.

II. STIPULATION

The United States and Mr. Le HEREBY STIPULATE to the following:

1 1. In support of his Claim, Mr. Le asserts that he is the owner of the Subject
2 Firearm. Mr. Le provided a copy of the Kenmore Police Department report, case number
3 C22026882, which states the Subject Firearm was stolen from Mr. Le on August 13,
4 2022, from his residence. Mr. Le does not know Defendant or how Defendant acquired
5 the Subject Firearm.

6 2. The information provided by Mr. Le is consistent with the underlying
7 investigative material – including the firearms e-trace report for the Subject Firearm that
8 confirms that Mr. Le purchased the Subject Firearm in 2016 from a Federal Firearms
9 Licensee in Bellevue, Washington.

10 3. The Federal Bureau of Investigation has confirmed that Mr. Le has no
11 identifiable criminal history precluding him from possession a firearm at this time.

12 4. Mr. Le affirms that neither he nor any person living in his residence is
13 prohibited from possessing a firearm.

14 5. Based on the information and affirmations reflected in Paragraphs 1–4,
15 above, the United States agrees that Mr. Le had a vested interest in the Subject Firearm,
16 pursuant to 21 U.S.C. § 853(n)(6)(A), before Defendant in this case possessed it.

17 6. The United States recognizes Mr. Le's vested interest in the Subject
18 Firearm and agrees the government will return it to Mr. Le following the criminal
19 proceedings in this case, to include any criminal appeal. The seizing agency, FBI, will
20 affect the return of the Subject Firearm to Mr. Le.

21 7. Mr. Le understands the Subject Firearm constitutes evidence in this case
22 and cannot be returned prior to the completion of these criminal proceedings, to include
23 any criminal appeal.

24 8. Mr. Le understands and agrees the Subject Firearm will be returned to him
25 in its current condition, as it was seized from Defendant in this case.

1 9. Mr. Le understands and agrees that this Stipulation fully and finally
2 resolves his Claim to the Subject Firearm. Mr. Le waives any right to further litigate or
3 pursue his Claim, in this or any other proceeding, judicial or administrative.

4 10. Upon return of the Subject Firearm, Mr. Le agrees to release and hold
5 harmless the United States, its agents, representatives, and/or employees, as well as any
6 involved state or local law enforcement agencies, their agents, representatives, and/or
7 employees, from any and all claims Mr. Le may possess, or that could arise, based on the
8 seizure, detention, and return of the Subject Firearm.

9 11. The United States and Mr. Le agree they will each bear their own costs and
10 attorneys' fees associated with the seizure, detention, and return of the Subject Firearm,
11 as well as with Mr. Le's Claim and this Stipulation.

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12. The United States and Mr. Le agree that the terms of this Stipulation are subject to review and approval by the Court, as provided in the proposed Order below. If the Court enters the proposed Order, a violation of any term or condition of this Stipulation shall be construed to be a violation of that Order.

Respectfully submitted,

TESSA M. GORMAN
United States Attorney

DATED: December 2, 2024

s/Karyn S. Johnson

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DATED: December 6, 2024

s/Dan Le

DAN LE*
Third-Party Claimant
Kenmore, WA
**Signed by AUSA Johnson on behalf of
Dan Le per email authorization on
December 6, 2024*

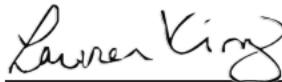
~~PROPOSED~~ ORDER

The Court has reviewed the above Stipulation between the United States and Third-Party Claimant Dan Le, settling the interest Mr. Le has asserted in the Subject Firearm, CR22-180LK, Dkt. No. 301; CR22-179LK, Dkt. No. 121, that was forfeited by Defendant Miguel Thomas in these cases, CR22-180LK, Dkt. No. 233; CR22-179LK, Dkt. No. 92.

The Court HEREBY APPROVES the Stipulation and Settlement and its terms.

IT IS SO ORDERED.

DATED this 6th day of December, 2024.



THE HON. LAUREN KING
UNITED STATES DISTRICT JUDGE